

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

FRANKIE WASHINGTON,
*Individually, and as Parent and Next Friend
of K.W., a minor*

Plaintiffs,

v.

CAUSE No. 3:23-CV-197-CWR-LGI

**JACKSON PUBLIC SCHOOL
DISTRICT, et al.,**

Defendants.

ORDER

Before the Court are the Defendants' *Motion to Dismiss Official Capacity Defendants* and the Plaintiffs' response. Docket Nos. 5 and 13. Upon review, the motion will be granted.

The Plaintiffs, Frankie Washington, individually, and as parent and next friend of K.W., a minor, commenced this suit against the Jackson Public School District ("JPSD"), as well as Superintendent Dr. Errick L. Green, Principal Roderick Smith, and school employee Mr. Ira Peterson in their official and individual capacities. Docket No. 11-1. On November 2, 2021, K.W. was "touched inappropriately and in a sexual manner" by Peterson while in the care of the JPSD. *Id.* The Plaintiffs' First Amended Complaint alleges several claims under 42 U.S.C. § 1983 and state law. *Id.*

The Defendants filed this present motion asserting that the Plaintiffs' claims against Green, Smith, and Peterson in their official capacities is duplicative of the suit against JPSD. Docket No. 5. The Plaintiffs do not oppose the motion. Docket No. 13.

Accordingly, the Defendants' *Motion to Dismiss Official Capacity Defendants* is **GRANTED** with respect to the Plaintiffs' claims against Green, Smith, and Peterson in their official capacities. Those claims merge with the Plaintiffs' claims against JPSD. The Plaintiffs' claims against Green, Smith, and Peterson in their individual capacities will remain.

SO ORDERED, this the 19th day of April, 2023.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE